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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,247	07/31/2008	Peter J. Sagona	62357.023706	6223

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EXAMINER

GROSS, CARSON

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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03/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/599,247	Applicant(s) SAGONA ET AL.	
	Examiner CARSON GROSS	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/22/2006, 10/18/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification does not recite a "channeling agent" which is required in claims 6 and 14.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilking, US 5,698,217.
4. Wilking teaches a method of attaching an active film onto a flexible package. The active film comprises an absorbing material and a polymer (See col. 2, lines 7-9; col. 3, lines 23-64). The flexible package comprises a foil which is heat sealed to enclose the active film while isolating it from the ambient environment. The active film is immobilized within the flexible package by heat sealing, which involves the application of heat and pressure to effect bonding of the flexible package and the active film without additional adhesive (See col. 4, lines 35-57).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilking, US 5,698,217 in view of Hekal, US 6,174,952 (hereinafter referred to as '952).

9. Wilking teaches a method of attaching an active film onto a flexible package, as detailed above.

10. Wilking does not expressly disclose the use of a channeling agent in the active film. Wilking also does not expressly disclose the thickness of the active film.

11. '952 teaches a method of attaching an active film onto a package. The active film comprises an absorbing material, a polymer, and a channeling agent (See col. 4, lines 5-21; col. 6, lines 54-59). The active film is attached to a barrier sheet and used as a packaging wrap (See col. 9, lines 9-12). The attachment occurs by heat sealing the active film to the barrier layer (See col. 11, lines 3-8). In one embodiment, the active film has a thickness of 4 mil, or about 0.1 mm (See example 1).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the active film disclosed by '952 with the method disclosed by Wilking. The rationale to do so would have been the motivation provided by the teaching of '952 that employing a channeling agent which also acts as a transmission rate bridge between the exterior of the polymer body and the interiorly located water-absorbing material greatly enhances the structure's ability to quickly remove moisture while simultaneously taking advantage of a greater portion of the absorbing material's capacities (See col. 7, lines 63-67; col. 8, lines 1-10).

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13. Claims 1, 2, 4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilking, US 5,698,217 in view of Hekal, US 6,316,520 (hereinafter referred to as '520).

14. Wilking teaches a method of attaching an active film onto a flexible package, as detailed above.

15. Wilking does not expressly disclose the use of a releasing material and a channeling agent in the active film. Wilking also does not expressly disclose the thickness of the active film.

16. '520 teaches a method of attaching an active film onto a package. The active film comprises a releasing material, a polymer, and a channeling agent (See col. 4, lines 4-19; col. 6, lines 32-37). The active film is attached to a barrier sheet and used as a packaging wrap (See col. 8, lines 52-56). The attachment occurs by heat sealing the active film to the barrier layer (See col. 10, lines 45-50). In one embodiment, the active film has a thickness of 4 mil, or about 0.1 mm (See example 1).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the active film disclosed by '520 with the method disclosed by Wilking. The rationale to do so would have been the motivation provided by the teaching of '520 that employing a channeling agent which also acts as a transmission rate bridge between the exterior of the polymer body and the interiorly located releasing material greatly enhances the structure's ability to quickly remove the desired property (moisture) while simultaneously taking advantage of a greater portion of the releasing material's capacities (See col. 7, lines 31-55).

18. Claims 1, 2, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilking, US 5,698,217 in view of Hekal, US 6,177,183 (hereinafter referred to as '183).

19. Wilking teaches a method of attaching an active film onto a flexible package, as detailed above.

20. Wilking does not expressly disclose the use of an activation material and a channeling agent in the active film. Wilking also does not expressly disclose the thickness of the active film.

21. '183 teaches a method of attaching an active film onto a package. The active film comprises an activation material, a polymer, and a channeling agent (See col. 4, lines 1-17; col. 6, lines 66-67; col. 7, lines 1-4). The active film is attached to a barrier sheet and used as a packaging wrap (See col. 9, lines 14-19). The attachment occurs by heat sealing the active film to the barrier layer (See col. 11, lines 11-15). In one embodiment, the active film has a thickness of 4 mil, or about 0.1 mm (See example 1).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the active film disclosed by '183 with the method disclosed by Wilking. The rationale to do so would have been the motivation provided by the teaching of '183 that employing a channeling agent which also acts as a transmission rate bridge between the exterior of the polymer body and the interiorly located activation material greatly enhances the structures' ability to quickly pass

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moisture located exteriorly to the entrained structure and out again (See col. 8, lines 6-18).

23. Claims 9-11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilking, US 5,698,217 in view of Mason, US 4,372,098.

24. Wilking teaches a method of attaching an active film onto a flexible package, as detailed above.

25. Wilking does not expressly disclose advancing the foil and the active film from supply rolls and cutting the active film into a predetermined length prior to the heat sealing step.

26. Mason teaches a process for attaching a pad to a foil. The foil and the pad are both advanced from supply rolls. The pad is cut to a pre-determined length and then heat sealed to the foil (See col. 4, lines 17-58).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to advance the foil and active film of Wilking from supply rolls and to cut the active film into a desired size. It is conventional in the art to store films of various types in supply rolls and to advance multiple films from supply rolls in order to bring the films together to form a laminate. It is also conventional in the art to cut a laminate to a desired size. These processing steps are common knowledge in the art, and would be obvious to one of ordinary skill in the art.

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28. Claims 9-11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilking, US 5,698,217 and Hekal, US 6,174,952 (hereinafter referred to as '952), as applied to claims 1-3 and 6-8 above, and further in view of Mason, US 4,372,098.

29. Wilking and '952 combine to teach a method of attaching an active film onto a flexible package, as detailed above.

30. Wilking and '952 do not expressly disclose advancing the foil and the active film from supply rolls and cutting the active film into a predetermined length prior to the heat sealing step.

31. Mason teaches a process for attaching a pad to a foil. The foil and the pad are both advanced from supply rolls. The pad is cut to a pre-determined length and then heat sealed to the foil (See col. 4, lines 17-58).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to advance the foil and active film of Wilking and '952 from supply rolls and to cut the active film into a desired size. It is conventional in the art to store films of various types in supply rolls and to advance multiple films from supply rolls in order to bring the films together to form a laminate. It is also conventional in the art to cut a laminate to a desired size. These processing steps are common knowledge in the art, and would be obvious to one of ordinary skill in the art.

33. Claims 9, 10, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilking, US 5,698,217 and Hekal, US 6,316,520 (hereinafter referred

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to as '520), as applied to claims 1, 2, 4, and 6-8 above, and further in view of Mason, US 4,372,098.

34. Wilking and '520 combine to teach a method of attaching an active film onto a flexible package, as detailed above.

35. Wilking and '520 do not expressly disclose advancing the foil and the active film from supply rolls and cutting the active film into a predetermined length prior to the heat sealing step.

36. Mason teaches a process for attaching a pad to a foil. The foil and the pad are both advanced from supply rolls. The pad is cut to a pre-determined length and then heat sealed to the foil (See col. 4, lines 17-58).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to advance the foil and active film of Wilking and '520 from supply rolls and to cut the active film into a desired size. It is conventional in the art to store films of various types in supply rolls and to advance multiple films from supply rolls in order to bring the films together to form a laminate. It is also conventional in the art to cut a laminate to a desired size. These processing steps are common knowledge in the art, and would be obvious to one of ordinary skill in the art.

38. Claims 9, 10, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilking, US 5,698,217 and Hekal, US 6,177,183 (hereinafter referred to as '183), as applied to claims 1, 2, and 5-8 above, and further in view of Mason, US 4,372,098.

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39. Wilking and '183 combine to teach a method of attaching an active film onto a flexible package, as detailed above.

40. Wilking and '183 do not expressly disclose advancing the foil and the active film from supply rolls and cutting the active film into a predetermined length prior to the heat sealing step.

41. Mason teaches a process for attaching a pad to a foil. The foil and the pad are both advanced from supply rolls. The pad is cut to a pre-determined length and then heat sealed to the foil (See col. 4, lines 17-58).

42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to advance the foil and active film of Wilking and '183 from supply rolls and to cut the active film into a desired size. It is conventional in the art to store films of various types in supply rolls and to advance multiple films from supply rolls in order to bring the films together to form a laminate. It is also conventional in the art to cut a laminate to a desired size. These processing steps are common knowledge in the art, and would be obvious to one of ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARSON GROSS whose telephone number is (571)270-7657. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katarzyna Wyrozebski can be reached on (571)272-1127. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARSON GROSS/
Examiner, Art Unit 1791

/KHANH NGUYEN/
Primary Examiner, Art Unit 1791